

It is believed that fees are due in regard to the filing of this paper and the contemporaneously filed Petition for Extension of Time (3 Months). Accordingly a check in the amount of \$460.00 has been enclosed herewith.

The following remarks are submitted in complete response to the Office Action, and address in *seriatim* the merits of Office Action that require such response.

**Rejections of Claims 1-29 under 35 USC section 103(a) – Friedes, et al.**

Spanning pages 2 through 4 of the Office Action, the Examiner rejects claims 1-29 for various reasons. Although certain bases for rejection are presented, the Examiner's two (2) s103 rejections are based on the primary prior art reference being the Friedes patent (U.S. Patent No. 5,771,282).

The Applicant respectfully TRAVERSES the Examiner's rejections and, in the interest of brevity, addresses the rejections here in one section of this paper.

The Friedes patent is directed to a method for billing multiple services on a single account. The Friedes method includes generation of multiple billing records based on corresponding calls arriving and being processed within a particular switching matrix. Such billing records are generated based on calls that are processed and completed (finished) within the switching network. And, once all calls associated with a single account are completed (finished), all billing records are *aggregated* to permit a subscriber to receive a single bill which may reflect calls that originated from related/associated lines. In Friedes fashion, a bill for past calls is nothing more than a consolidated billing statement that reflects calls originating from a plurality of telephone lines. The discussions of the details of the Friedes process are found at columns 3 and 4 thereof.

In great contrast to the Friedes method for generating a consolidated billing statement, the present invention is concerned with a different, novel billing paradigm. That is, the present invention is concerned with providing *real time* access to billing data about calls and other resource allocations. In other words, the present invention permits real time access to a current state of a modern telecommunications network and calls that may be occurring at the time of query – there is no requirement that calls must be completed (finished) to respond to a real time billing inquiry. The claims of the instant patent application define the real time feature of the present invention by stating, for example, that a network resource control facility is “configured to consolidate said billing data from at least one network resource from said plurality of network resources in real-time related to at least one telecommunications service provided within said telecommunications network to generate consolidated billing data....” See e.g., Claim 1. Independent claims 12 and 25 include similar language (and so to do the claims that depend from claims 1, 12, and 25 by way of dependency), thus mandating the conclusion that the structures and methods defined by claims 1-29 are patentably distinct from the Friedes patent.

None of the secondary references cited by the Examiner can be said to make up for the clear deficiencies of the Friedes patent. That is, by no reading of the secondary references including Nelson (USP 6,032,132) and Westerlage et al. (USP 6,141,404) could one of ordinary skill in the art have combined the same with Friedes patent to derive the claimed invention of claims 1-29. In particular, by no reading of any of the cited references would one of ordinary skill in the art have combined the same to derive a system like or similar to the present invention as defined by claims 1-29 and one that

permits real-time access to billing data possibly about calls currently in progress within a network.

Thus, for the foregoing reasons, it is respectfully asserted that the Examiner's rejections of the claims under 35 USC s103(a) must be withdrawn. And, it is earnestly requested that claims 1-29 as written be allowed to issue in a U.S. Patent.

**CONCLUSION:**

This paper has been submitted in complete response to the non-final Office Action mailed April 24, 2001 (hereinafter, the "Office Action"). Per this paper, claims 1-29 remain pending in the application. Reconsideration claims 1-29 in view of the following remarks and the grant of a U.S. Patent are earnestly solicited.

It is believed that fees are due in regard to the filing of this paper and the contemporaneously filed Petition for Extension of Time (3 Months). Accordingly a check in the amount of \$460.00 has been enclosed herewith.

If it is believed that an Examiner Interview will in any way expedite examination of the instant application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

ERIK B. CHERDAK & ASSOCIATES, LLC



By: Erik B. Cherdak  
USPTO Reg. No. 39,936

Date: 10-24-01  
11300 Rockville Pike, Suite 906  
Rockville, Maryland 20852  
(301) 984-4700, FAX (301) 984-7696  
email: erik@ctpatents.com